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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/645,559	08/22/2003	Masayoshi Nishio	0229-0773P	9174

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EXAMINER

BLAU, STEPHEN LUTHER

ART UNIT PAPER NUMBER

3711

DATE MAILED: 07/12/2005

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary	Application No. 10/645,559	Applicant(s) NISHIO, MASAYOSHI	
	Examiner Stephen L. Blau	Art Unit 3711	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --
Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 13 June 2005.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 7-15 is/are pending in the application.
 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☒ Claim(s) 7-11 is/are allowed.
- 6) ☒ Claim(s) 12-15 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on _____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
 Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
 Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
 a) ☐ All b) ☐ Some * c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
2. ☐ Certified copies of the priority documents have been received in Application No. _____.
3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).
- * See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- | | |
|--|---|
| 1) <input type="checkbox"/> Notice of References Cited (PTO-892) | 4) <input type="checkbox"/> Interview Summary (PTO-413)
Paper No(s)/Mail Date. _____ |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948) | 5) <input type="checkbox"/> Notice of Informal Patent Application (PTO-152) |
| 3) <input type="checkbox"/> Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)
Paper No(s)/Mail Date _____ | 6) <input type="checkbox"/> Other: _____ |

DETAILED ACTION

Request for Continued Examination

1. The request filed on 13 June 2005 for a Request for Continued Examination (RCE) under 37 CFR 1.53(d) based on parent Application No. 10/645,559 is acceptable and a RCE has been established. An action on the RCE follows.

Claim Rejections - 35 USC § 103

2. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

3. Claims 12-15 are rejected under 35 U.S.C. 103(a) as being unpatentable over Kawaguchi in view of 2001-286585.

Kawaguchi discloses a method of making/designing a wood type club (Figs. 3-4, 20) having of step of determining/providing a torque of (3.4-3.8, 4.0-4.4, 4.6-5.0, 5.6-7.2) degrees of a shaft (Fig. 14).

Kawaguchi lacks a method of making/designing a wood type head comprising a step of determining/providing the gravity point distance between the gravity point of the

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head to the center line of the shaft so that the conditions of the equations as defined in claims 12 or 15 are satisfied and to satisfy the following conditions of claims 13 or 14.

2001-286585 discloses a wood type head (Figs. 1-4) having a distance between a gravity point of a head and a center line of a shaft being 45 mm or less (English Solution) in order to have a head with a high inertial moment, light weight and short distance of center of gravity in spite of a large volume (English Abstract). In view of the reference of 2001-286585 it would have been obvious to modify the method of making/designing a wood type club of Kawachuci to have a step of determining/providing a head having a distance between a gravity point of a head and a center line of a shaft being 45 mm or less so that the conditions of the equations as defined in claims 12 or 15 are satisfied and to satisfy the following conditions of claims 13 or 14 in order to have a head with a high inertial moment, light weight and short distance of center of gravity in spite of a large volume.

Allowable Subject Matter

4. Claims 7-11 are allowed. None of the prior art discloses or renders as obvious a method of making a club with a step of determining whether the torque and gravity point distance satisfies the equations as defined in claims 7 and 10 in addition to the other elements of structure claimed.


Response to Arguments

5. The argument that newly added claims 12-15 retain the allowable subject matter of claims 7-11 of determining whether the torque and gravity point distance satisfies the equations as defined in claims 7 and 10 is disagreed with. The methods of claims 7 and 10 definitively require the step of using the claimed equations to determine if the conditions are met. Claims 12-15 are much more broad methods and require only determining/providing a shaft and head so that the conditions are satisfied. Clearly in claims 12-15 one could perform the method of making/designing a club without using the equations to determine if the conditions are met. The examiner believes the minor refinements make the claims more broad.

Conclusion

6. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Steve Blau whose telephone number is (571) 272-4406. The examiner is available Monday through Friday from 8 a.m. to 4:30 p.m.. If the examiner is unavailable you can contact his supervisor Greg Vidovich whose telephone number is (571) 272-4415. Any inquiry of a general nature or relating to the status of this application should be directed to the Group receptionist whose telephone number is (703) 308-0858. (TC 3700 Official Fax 703-872-9306)

slb/ 8 July 2005


STEPHEN BLAU
PRIMARY EXAMINER